

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
BOARD OF SELECTMEN**



**TO THE
ANNUAL TOWN MEETING
MONDAY, APRIL 28, 2014**

8:00 P.M.

INTRODUCTION

The Board of Selectmen is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings conducted by the Board at which proponents and opponents of the various articles were heard. The Board has voted no action on several of the 10 registered voter articles since in some instances the requested action can be accomplished without a Town Meeting vote. The Board appreciates the proponents having brought these matters forward.

The Board would like to welcome back Diane M. Mahon to serve as Arlington's newly re-elected Selectman to her sixth term in office and Daniel J. Dunn to serve as Arlington's newly re-elected Selectman to his second term in office. Selectman Steven M. Byrne is now the youngest serving Chair of the Board of Selectmen in Arlington's history.

The Board knows that the Town Meeting will give fair and serious consideration to all of the important issues raised by the various articles. The Board wishes the Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

ARTICLE 8 BYLAW AMENDMENT/REGULATION OF OUTDOOR LIGHTING – DARK SKIES BYLAW

VOTED: That Title V, Article 14 (“Regulation of Residential Outdoor Lighting) of the Town Bylaws be and hereby is amended by deleting it in its entirety and replacing it with the following:

ARTICLE 14 REGULATION OF OUTDOOR LIGHTING

Section 1. Introduction

It is the intention of this by-law to regulate the use of outdoor lighting so as to not unduly inconvenience and/or disturb residential abutters by having outdoor lighting shining directly into their windows or onto their properties, or by creating observable and unreasonable glare shining into their windows or onto their properties. This by-law is enacted with the understanding that enforcement shall be based upon any complaint issued by any resident or residential property owner within the Town.

Section 2. Regulation

- a. All outdoor lighting, including but not limited to: floodlighting, decorative lighting, lighting primarily designed to illuminate walks and/or walkways, driveways, flagpoles, outdoor living areas and/or outdoor recreational*

facilities shall be appropriately continuous, indirect, and installed and/or shielded in a manner that shall prevent unreasonably bright light from shining onto or upon any street and/or adjacent or abutting residential property whether directly or by creating unreasonably bright glare.

b. The following lighting shall be exempt from the provisions of this by-law:

i. Temporary holiday lighting.

ii. Internally illuminated signs.

iii. Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer-term emergency lighting shall, to the largest extent possible, take into consideration the detrimental effects of glare on passing motorists and pedestrians and on residential lots.

iv. Lighting during special events such as fairs, concerts, or celebrations sponsored by the Town of Arlington or approved by the Board of Selectmen;

v. Lighting on playing fields and courts under the jurisdiction of the Town of Arlington;

vi. Lighting of historic or architectural significance exempted by a vote of the Arlington Historical Commission.

c. Lighting installed prior to the enactment of this by-law, as amended, shall be exempt from the provisions of this by-law until April 15, 2015.

Section 3.Enforcement

Enforcement of this by-law shall be under the authority of the Building Inspector. Upon receiving a complaint in writing, from a resident or property owner in the Town, the Building Inspector shall enforce this by-law as set forth in the Fines & Fees Schedule of the by-law.

Section 4. Fines & Fees Schedule

A. First offense: A written warning stating a property owner/resident is in violation: Ten (10) days to meet compliance.

B. Second offense:\$25.00 Fine. Five (5) days to meet compliance.

C. Third offense and \$50.00 Fine. Five (5) days to meet compliance before each subsequent offense another \$50.00 fine issues.

(5-0)

COMMENT: The primary purpose of this article is to appropriately expand the scope of “dark skies” protections to residents abutted by not only other residential properties, but commercial and industrial properties as well. As presently constituted, Title V, Article 14 allows residents to lodge complaints with the Town Building Inspector regarding other residential properties employing light sources that shine directly into neighbors’ windows or on their properties generally. However, residents with commercial or industrial neighbors presenting the same nuisance do not have an avenue for relief. The proposed amendment to the existing bylaw affords residents and residential property owners the ability to address such nuisances with commercial and industrial property owners, including the Town itself if appropriate, while also codifying some important exemptions from such expanded application.

The citizen proponent’s initial proposal presented an even more comprehensive dark skies amendment, which included definitions of luminaries, prohibition of certain types of lighting outright, streetlight design restrictions, and time of night limits for special event exemptions. Moreover, the Board examined whether or not changes to the enforcement mechanism of the bylaw required change. However, after noting some of the practical issues and limitations of the current bylaw, the Board ultimately expressed support for a measured reform which expands the scope of the bylaw’s protections to both residential and non-residential light sources. Accordingly, the Board urges Town Meeting’s adoption of the above motion as an incremental expansion of “dark skies” protections.

ARTICLE 10

HOME RULE LEGISLATION/ CEMETERY COMMISSION

VOTED: That no action be taken under Article 10.

(5-0)

COMMENT: The article proposes home-rule legislation to amend the Town Manager Act and change the Arlington Cemetery Commission from a body comprised of appointees, to an elected commission. The Board recognizes that this article’s proponent is dissatisfied with the administration of Town cemeteries and has complained about present members of the Cemetery Commission’s conduct of Cemetery Commission meetings, including filing an Open Meeting Law complaint filed with the Attorney General’s Office. However, the Board noted that nearly all of the Town’s commissions and committees are appointed, and rarely are appointments contested or criticized. The Board has rarely received any complaints about the Cemetery Commission or the cemeteries themselves within collective memory. In that vein, the Board also noted in reference to the proponent’s complaints, the Attorney General’s Office found no Open Meeting Law violations were committed by the Cemetery Commission.

Moreover, on a broader level the Board appreciates that Arlington’s commissions and committees are filled by volunteers, who may be discouraged from service by the requirements of campaigning in order to serve and contribute to their community. Many

neighboring communities hold a similar view, and as such also maintain an appointed Cemetery Commission. For these reasons, the Board does not recommend action on this article.

ARTICLE 11

BYLAW AMENDMENT/TOWN MEETING ELECTRONIC VOTING

VOTED: That Title I, Article 1, Section 10.C (“Procedural Rules”) of the Town Bylaws be and hereby is amended by, deleting the final sentence thereof and replacing it with the following:

The individual votes shall always be displayed if the margin of success of the prevailing side, calculated by subtracting the smallest number needed to prevail from the actual number of prevailing votes, is less than three.

(5-0)

COMMENT: The Board of Selectmen agrees with the Town Meeting Electronic Voting Committee that this article will resolve concerns regarding electronic voting procedures and mechanisms within the present Bylaws, so as to both make Town Meeting voting more efficient and better reflect what constitutes a “close vote” for display. The Board agrees that this article and vote corrects the previously approved electronic voting bylaw rather than materially changing its substance. The new language will result in a more accurate picture of closely contested issues at Town Meeting. Hence, the Board urges favorable action on the above vote at Town Meeting.

ARTICLE 12

BYLAW AMENDMENT/MOUNT PLEASANT CEMETERY PARKING RESTRICTIONS

VOTED: That no action be taken under Article 12.

(5-0)

COMMENT: This article proposes to codify parking restrictions in Mt. Pleasant Cemetery into Town Bylaws. The Board acknowledges that during construction projects in the area in past years, vehicles parked in and around the cemetery. However, both regulations and signage are currently in place to restrict such parking, which the Board believes have been successful. As such, a Town Bylaw to such effect would be redundant and unnecessary and the Board does not recommend action on this article.

ARTICLE 13

BYLAW AMENDMENT/POET LAUREATE

VOTED: That Title II of the Town Bylaws be and hereby is amended by inserting a new article to provide for the honorary position of the Poet Laureate of the Town of Arlington as follows:

ARTICLE 11: POET LAUREATE OF ARLINGTON

Section 1. Establishment of an Honorary Poet Laureate of Arlington

There is hereby established for the purposes of advancing the literary arts, enriching the community, and recognizing the literary achievements of Town residents, the honorary position of Poet Laureate of Arlington.

Section 2. Selection, Term, and Criteria

Appointment of a Poet Laureate shall be for a term of one year, annually renewable for a total of three years based on the recommendation of a screening committee of five persons consisting of one person each designated by:

- (a) The Library Board of Trustees (by majority vote)*
- (b) The Arlington School Committee (by majority vote)*
- (c) The Arlington Commission on Arts and Culture (by majority vote)*
- (d) Town Meeting Member (appointed by the Town Moderator)*
- (e) The Town Manager (with advice and consent of the Board of Selectmen);*

and confirmed by the Board of Selectmen.

This honorary position shall be voluntary. Only Arlington residents shall be considered for appointment, and any person appointed as Poet Laureate of Arlington must at all times remain an Arlington resident during their term as Poet Laureate. In the event that a Poet Laureate is no longer a resident of Arlington during their term, the honorary position shall be construed to have been constructively vacated.

Section 3. Duties of the Poet Laureate

The duties of the Poet Laureate shall be to present original works of poetry, conduct readings and participate in public events and Town, public school and library programs as appropriate and practicable.

(5-0)

COMMENT: The Board of Selectmen strongly supports the establishment of a voluntary and honorary Poet Laureate position for Arlington, continuing the Town's support of and commitment to the arts. Members of the Board and the public voiced universal support for both recognizing and fostering the literary arts works of Town

residents. Several other communities have developed similar positions to honor local artists and benefit from their creative works and the instant bylaw has been informed by same. The Board also feels that appointment of the Poet Laureate would benefit from input of a diverse selection committee with appointment confirmation being vested in the Board. Based on the foregoing, the Board requests the support of Town Meeting for the establishment of an honorary, volunteer, resident Poet Laureate of Arlington.

ARTICLE 14

BYLAW AMENDMENT/PUBLIC MUSIC

VOTED: That Title III (“Public and Private Ways”), Section 18 (“Public Music”) of the Town Bylaws be and hereby is amended by deleting it in its entirety and replacing it with the following:

Section 18. Street Performances

A. Purpose

The existence in Arlington of street performers provides a public amenity that enhances the character of the Town, and the Town seeks to encourage such performances on Town public ways to the extent that they do not interfere with the reasonable expectations of (1) residents to the enjoyment of peace and quiet in their homes; and/or (2) business owners to public access to and effective conduct of their business. It is the intention of this bylaw to balance the interests of the performers with those of the residents and businesses of the Town.

B. Definitions

- 1. Perform – Includes, but is not limited to, the following activities: acting, singing and playing of musical instruments, pantomime, juggling, magic acts, dancing, reading and reciting of literary works, puppetry, sidewalk art working with non-permanent, water-soluble media (i.e., chalk, pastels, watercolors directly on the pavement), conducted live and in-person, but shall not include presentations of audio/visual reproductions of such activities or the production of items for sale.***
- 2. Performer – An individual artist, member of an ensemble, or sponsor of a street fair or public festival, who has obtained a permit pursuant to this bylaw and Board of Selectmen regulations and is responsible for compliance with such provisions.***
- 3. Public ways – Any Town way or in any place to which the public has a right of access, is dedicated for public access, or upon any way or in any place to which members of the public have access as invitees or licensees, consistent with this Article’s definition and use of the term “public ways,” which***

includes, but is not limited to Town public sidewalks and streets, but does not include Town parks and recreation areas or Town school property.

C. Permit Required and Regulations

No person shall perform in or on a public way as defined under this article without a permit issued by the Board of Selectmen. The Board of Selectmen shall draft and promulgate appropriate procedures and regulations for the issuance of permits consistent with the provisions of this article. Permit holders shall comply with all regulations and conditions of permits. Failure to comply with regulations and permits shall, at a minimum, render any and all permits held by a performer under this bylaw void.

(5-0)

COMMENT: The purposes of the instant article are: 1) to encourage public performance art as for a means of cultural, economic, and artistic enrichment for the Town; and 2) to provide more detailed structure for regulation of existing public performance (particularly public music) on public ways. This bylaw would only apply to public ways of the Town, such as sidewalks, public streets, public alleyways, squares, etc., and does not supersede Town park and recreation area, or Town school regulations and procedures for performances, festivals, etc. The Board and several residents attending the hearing noted not only the artistic opportunities presented by this bylaw amendment, but the commercial opportunities as well, which should attract and retain more residents and visitors to Town shops and restaurants. The Board expressed its commitment to developing regulations and enforcement measures to protect residents and businesses from unreasonable performances, such as those employing sound amplification at inappropriate hours or otherwise disrupting and disturbing the Town. Accordingly, the Board of Selectmen strongly urges Town Meeting to vote to approve this bylaw amendment.

ARTICLE 15

BYLAW AMENDMENT/CULTURAL COMMISSION

VOTED: That Title II, Article 8, (“Cultural Commission”) of the Town Bylaws is hereby amended to rename the “Cultural Commission,” the “Arlington Commission on Arts and Culture,” by deleting the words “Cultural Commission” in the Title of said article and within Sections 1 and 4, and replacing them with the words “Arlington Commission on Arts and Culture;” and further replacing the word “a” in the first full line of Article 8, Section 1 with the word “an,” so as to read in relevant parts as follows:

ARTICLE 8: ARLINGTON COMMISSION ON ARTS AND CULTURE

Section 1. Establishment of Arlington Commission on Arts and Culture

There is hereby established an Arlington Commission on Arts and Culture which shall consist of seven members all of whom shall be residents of the Town.

Six members, one of whom shall be a member of the Vision 2020 Culture and Recreation Task Group, shall be appointed by the Town Manager subject to the approval of the Board of Selectmen and one member shall be appointed by the School Committee. The respective appointing authorities shall consider for appointment, but need not appoint, persons recommended by the Vision 2020 Culture and Recreation Task Group for their initial appointments and, thereafter, persons recommended by the Commission. Two of the initial appointments by the town Manager shall be for a three year term, two for a two year term and two for a one year term. The initial appointment by the School Committee shall be for a three year term. After the initial appointment each term shall be for three years. Each member shall serve until their successors are appointed and sworn. Unexpired terms shall be filled in the same manner as the initial appointment. The Commission shall organize for the conduct of its affairs and shall elect its own officers. Members may be removed by the appointing authority upon request of a majority of the Commission for three or more unexcused absences from Commission meetings in any calendar year.

Section 4. Staff Position and Office

The Commission may establish an office to manage the Commission's daily activities and may solicit a person or persons to perform this function. The Commission shall define the duties of this position which shall be entitled, Staff Director of the Arlington Commission on Arts and Culture. The Staff Director may be paid from any funds received through grants or gifts to the Commission. If no such funds are available, then the appointment thereto may be made on a volunteer basis. The appointment of the Staff Director will be by the Town Manager after considering the recommendation of the Commission and will be subject to the approval of the Board of Selectmen.

(5-0)

COMMENT: The Board of Selectmen agrees with the presently named Cultural Commission, that the sought name change will alleviate confusion of the Arlington Cultural Commission and the Arlington Cultural Council. Both the new name, and a likely acronym for it – ACAC are more distinct from the Arlington Cultural Council. As such, the Board favors such a change and urges Town Meeting to approve it.

ARTICLE 16

BYLAW AMENDMENT/55 VENNER ROAD/REMOVAL OF EASEMENT RESTRICTION

VOTED: That the Board will report to Town Meeting under Article 16 of the Warrant.

(5-0)

COMMENT: The Board received presentations from both the proponents of the article and the Town Manager with respect to the proponent's request to extinguish exterior lines obtained by the by the Town in 1942 for the original purpose of building a road upon the proponents' property. The proponents and the Town Manager are working on an agreement in principal, pending Town Meeting approval, to compensate the Town for the fair value of extinguishing its rights exterior lines.

ARTICLE 17

BYLAW AMENDMENT/SECOND WATER METER

VOTED: That no action be taken under Article 17.

(3-2)

Ms. Mahon and Mr. Greeley voted in the negative.

COMMENT: The purpose of this article is to encourage water conservation by providing for the installation and use of secondary water meters which assess water consumption for the primary purposes of irrigation, gardening, and landscaping. Additionally, the proponent asserts that secondary meters could provide greater equity in water billing. The Board universally appreciates the article proponent's efforts both to conserve water and reduce water bills for residents who do not use water for irrigation, landscaping, and gardening. Notwithstanding that the Board has the authority to implement a second water meter regulation without a bylaw or vote at Town Meeting, the majority of the Board both expressed concern about the costs and benefits associated with the use of second water meters. Further, a majority of the Board found that the new winter usage-based billing (developed in response to a previous Town Meeting vote on second water meters) sufficiently addressed equity in billing concerns. (For further information see additional materials included in the Board of Selectmen's Report Appendix attached hereto).

Additionally, while the Board took note that other surrounding communities have allowed for second water meters, the majority of such towns pay higher overall water rates. Finally, the Town Manager and Director of the Department of Public Works shared concerns about the cost of installing second water meters for residents and the costs and effectiveness of reading and monitoring second water meters throughout the Town for the Department of Public Works. Hence, while the Board of Selectmen laud the proponent's commitment to promote water conservation, it recommends no action be taken on this article.

ARTICLE 18

BYLAW AMENDMENT/LAKE STREET SIGNS

VOTED: That no action be taken under Article 18.

(5-0)

COMMENT: The Board of Selectmen heard several citizen perspectives on alteration of the traffic signs on Lake Street to allow residents to make right turns between 4-7 p.m. off Lake Street onto certain residential roads. However, the purpose of the instant article can be achieved by amendment of Board of Selectmen Traffic Rules and Orders, which does not require Town Meeting approval and thus would avoid unnecessarily duplicative regulations. Accordingly, the Board agreed to hear the proponent's proposal as an amendment to Traffic Rules and Order at a later date after a scheduled neighborhood meeting on April 6, 2014, and referral of the proposed change to the Arlington Police Department for review and recommendation. Based on the foregoing, the Board does not recommend any action on this article at Town Meeting.

ARTICLE 19

BYLAW AMENDMENT/ENFORCEMENT JUNK CARS

VOTED: That Title IX, Article 2 ("Non-Criminal Disposition of Bylaws") of the Town Bylaws be amended by adding to the following after the words "Title IV, Article 5 (Feeding of Waterfowl)" and preceding the words "Title V, Article 4, (Smoking)":

Title V, Article 2 (Junk Cars)

(5-0)

COMMENT: The Board of Selectmen agrees with the Board of Health (BOH), that granting BOH the authority to enforce Town Bylaws regulations on "junk cars" through non-criminal measures is appropriate and useful. At present, only the police department may enforce the junk car bylaw through non-criminal fines, but are not resourced to do so exclusively. Adding "junk car" enforcement to the list of non-criminal violations BOH may enforce is a sensible means of addressing junk cars, particularly given that BOH often receives complaints about such issues from the public. As such, the Board recommends favorable action on this article as set forth herein.

ARTICLE 20

BYLAW AMENDMENT/TAR SANDS OIL FREE ARLINGTON

VOTED: That no action be taken under Article 20.

(5-0)

COMMENT: The Board appreciated the detailed work conducted by, and general goals of the article's proponent. The Board also found the subject of the proposed article

compelling and of importance as a broad issues. The Board further understands this article is now being proposed as a resolution rather than a bylaw amendment. However, the subject matter of such a resolution is not only highly complex, but the Board was not able to discern what Town powers and authorities could realistically address a national environmental of such a nature at this juncture. The Board proffered several suggestions for how the article's proponent might pursue the subject of the resolution both within and outside of Town Meeting, but also expressed concern about use of time at Town Meeting for matters the Board does not believe to be within the purview of the Town. As such, the Board does not recommend action on this article or a related resolution.

ARTICLE 21 **AMENDMENTS TO THE DISTRICT AGREEMENT
OF THE MINUTEMAN VOCATIONAL SCHOOL
DISTRICT**

VOTED: The Board recommends favorable action regarding adoption of the 2014 Amendments to the District Agreement of the Minuteman Regional Vocational School District.

(5-0)

COMMENT: This article was inserted at the request of the Minuteman Regional Vocational School District Committee to revise the Regional Agreement governing the rights and responsibilities of member cities and towns. Over the course of several meetings and with the assistance of Town representatives on the Regional Agreement Amendment Subcommittee (RAAS), the Board has heard testimony regarding and otherwise vetted a substantial series of amendments to the Regional Agreement. The amendments proposed by the Minuteman Regional School District Committee include introducing weighed voting for the majority Regional School Committee actions, revision to provisions for withdrawal from the Minuteman Regional School District, and significantly changing the process by which Minuteman may incur debt for capital and facilities construction and/or repairs under M.G.L. c. 71 §§16(d) and 16(n).

It should be noted that the amendments proposed by Minuteman were modified after the Board voted to take favorable action on the first iteration of such amendments. The Board expressed great frustration with both the substance and timing of such changes, but nonetheless voted unanimously to approve the second iteration of the amendments, which in sum, altered the original calculation of voting power under a new weighted voting system. While the new version of weighted voting under the new proposed amendments vests less weight in Arlington, it remains a substantial improvement over the voting system as is, and is more likely to obtain approval by a number of smaller member communities.

Throughout the Board's hearings and meetings on the proposed amendments the Board has acknowledged that challenges remain in the regional agreement ranging from gaining new membership, more equitably sharing the financial commitments between members, and the need for capital improvements to Minuteman facilities. However, the proposed

amendments (even as revised) present a significantly improved agreement for Arlington on many scores. Particularly whereas under the agreement as it is presently constituted, the prospect of withdrawal is extremely unlikely, these amendments are welcome for the additional representation and options afforded as significant decisions are made with respect to Minuteman. In order to be adopted, the Amended Regional Agreement must first be approved by Town Meeting votes in each of the sixteen (16) member communities, and then further approved by the Commissioner of Elementary and Secondary Education. As such, the Board strongly favors action and urges Town Meeting to approve the amendments.

ARTICLE 22

ACCEPTANCE OF LEGISLATION/COMMUNITY PRESERVATION ACT

VOTED: That the Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1.5% of the annual real estate tax levy against real property commencing in Fiscal Year 2016; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act:

- property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act;
- \$100,000 of the value of each taxable parcel of residential real property; and
- \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said Chapter 59.

(4-1)

Mr. Byrne voted in the negative.

COMMENT: This article proposes Arlington adopt M.G.L. c. 44B §§ 3-7, also known as the Community Preservation Act (“CPA”). The CPA is a distinct funding resource for municipalities to address open space, historic preservation, affordable housing, and outdoor recreation needs with monies raised via a surcharge on Town property owners further supplemented by CPA Trust distribution funds from Commonwealth. In sum, adoption of the CPA provides additional financial support from the State and allows local

authorities to decide how such additional funds will be used, but requires a local surcharge on real property to also support same. State Representative Sean Garballey and State Senator Kenneth Donnelly supported the adoption of the CPA along with the article's proponents, noting the substantial funds adopting communities have received from the State to complete a variety of successful projects.

The Board recognized that the Town faces several substantial costs in coming years, including potentially significant commitments to Minuteman Regional Vocational School and Arlington High School, among other pressing capital projects, as well as a potential general override. Hence, the Board weighed the CPA's value as a tool for the Town to obtain significant additional resources from the Commonwealth against the additional burden placed on Town taxpayers. The majority of the Board believes that such debate should go before Town Meeting with a recommendation of favorable action. Such action is urged in part because CPA funds can and should be used to address the very capital projects outlined in the five-year capital plan that pose significant future costs to the Town; CPA funds can and should be used to delay and defray the anticipated general override; the CPA requires a ballot referendum before the CPA can be fully adopted and a surcharge could be levied; and the CPA adoption may be revoked five (5) years following passage of the referendum.

Additional materials regarding the CPA have also been included in the Appendix to this report for further consideration.

ARTICLE 24

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Board moved favorable action on this FY2014-2015 CDBG allocation.

(5-0)

COMMENT: This is the usual vote to endorse the annual applications for Community Development Block Grant funds.

ARTICLE 25

REVOLVING FUNDS

VOTED: That the Town does hereby reauthorize the following revolving funds in Accordance with G.L. c. 44, § 53E 1/2:

Revolving Funds for Warrant Article

Private Way Repair established under Article 46 of the 1992 Annual Town Meeting

Expenditures not to exceed	\$200,000
Beginning Balance	\$13,304.91
Receipts	0.00
Expenditures	0.00
Balance, 7/1/13	\$13,304.91

Public Way Repair established under Article 45 of the 1992 Annual Town Meeting

Expenditures not to exceed	\$5,000
Beginning Balance	\$ 168.40
Receipts	0.00
Expenditures	0.00
Balance, 7/1/13	\$ 168.40

Fox Library established under Article 49 of the 1996 Annual Town Meeting

Expenditures not to exceed	\$20,000
Beginning Balance	\$17,891.86
Receipts	3,784.19
Expenditures	7,985.49
Balance, 7/1/13	\$13,690.55

Robbins House established under Article 77 of the 1997 Annual Town Meeting

Expenditures not to exceed	\$75,000
Beginning Balance	\$33,938.40
Receipts	52,248.71
Expenditures	50,874.31
Balance, 7/1/13	\$35,312.80

Conservation Commission established under Article 44 of the 1996 Annual Town Meeting -expenditures not to exceed \$10,000

Beginning Balance	\$3,221.42
Receipts	91.10
Expenditures	0.00
Balance, 7/1/13	\$3,312.52

Uncle Sam established under Article 31 of the 2000 Annual Town Meeting

Expenditures not to exceed	\$2,000
Beginning Balance	\$ 318.68
Receipts	1,500.00
Expenditures	1,407.37
Balance, 7/1/13	\$ 411.31

Life Support Services established under Article 37 of the 2001 Annual Town Meeting Expenditures not to exceed \$800,000

Beginning Balance	\$256,609.89
Receipts	633,699.80
Expenditures	591,937.99
Balance, 7/1/13	\$ 298,371.70

Board of Health Fees established under Article 30 of the 2005 Annual Town Meeting Expenditures not to exceed \$100,000

Beginning Balance	\$103,800.14
Receipts	70,864.06
Expenditures	88,380.11
Balance, 7/1/13	\$ 86,284.09

Field User Fees- Established under Article 78 2004 Annual Town Meeting Expenditures not to exceed \$80,000

Beginning Balance	\$49,757.40
Receipts	41,392.01
Expenditures	47,749.37
Balance, 7/1/13	\$43,400.04

Robbins Library Rental – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$8,000

Beginning Balance	\$16,358.03
Receipts	4,375.00
Expenditures	3,982.50
Balance, 7/1/13	\$16,750.53

Town Hall Rental – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$100,000

Beginning Balance	\$ 42,735.22
Receipts	74,120.71
Expenditures	94,692.83
Balance, 7/1/13	\$22,163.10

White Goods Recycling – Established under Article 35 2006 Annual Town Meeting Expenditures not to exceed \$80,000

Beginning Balance	\$38,202.30
Receipts	25,347.75
Expenditures	46,794.84
Balance, 7/1/13	\$16,755.21

Library Vend – Established under Article 34 2009 Annual Town Meeting Expenditures not to exceed \$12,000

Beginning Balance	\$13,361.32
Receipts	9,214.00

Expenditures	8,260.21
Balance, 7/1/13	\$14,315.11

Gibbs School Energy – Established under Article 45 2010 Annual Town Meeting

Expenditures not to exceed \$120,000	
Beginning Balance	\$ 25,688.15
Receipts	113,661.10
Expenditures	111,619.20
Balance, 7/1/13	\$ 27,730.05

Cemetery Chapel Rental – Established under Article 52 2011 Annual Town Meeting

Expenditures not to exceed \$15,000	
Beginning Balance	\$ 0.00
Receipts	0.00
Expenditures	0.00
Balance, 7/1/13	\$ 0.00

Council on Aging Program Revolving – Established under Article 28 2013 Annual Town Meeting

Expenditures not to exceed \$25,000

Beginning Balance	\$ 0.00
Receipts	0.00
Expenditures	0.00
Balance, 7/1/13	\$ 0.00

(5-0)

COMMENT: This is the usual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and reauthorize such funds in accordance with state law.

Additional materials regarding the Revolving Funds have also been included in the Appendix to this report for further consideration.

ARTICLE 54 RESOLUTION/TOWN MEETING ELECTRONIC VOTING

VOTED: That the Board will report to Town Meeting under Article 54 of the Warrant.

(5-0)

COMMENT: This article requests a resolution at Town Meeting for the limited purpose of gauging Town Meeting members' experiences and views on the Town's inaugural use of electronic voting at Town Meeting. The Board acknowledges that surveying members' experiences with new electronic voting system would be useful and that the Town Moderator and Town Counsel could draft an appropriate resolution.

Water-Sewer Seasonal Rate Proposal/Comprehensive Rate Strategy Seasonal Rate Approach Recommended to Promote Town Wide Billing Equity

In 2013, the Selectmen approved the first phase of Arlington's revision to water-sewer rates. When the third phase is complete in July of 2015, water used for lawn and garden irrigation will no longer be subject to a sewer fee. The water rate revision plan was delivered in a comprehensive water-sewer rate study. The rate study recommended an approach that would be more comprehensive than simply allowing for second water meters, and provide Town wide equity for seasonal water use. This approach involves billing sewer use based upon water use during the winter quarter, the quarter during which irrigation is not a factor. So, all ratepayers, Town wide, would not pay sewer fees based upon summer water usage. For example, if a ratepayer uses 10 ccf's* of water during the winter quarter, 15 ccf's during the spring quarter, 20 ccf's during the summer quarter, and 15 ccf's during the fall quarter, their sewer bill for each of the four quarters will be based upon the 10 ccf usage amount from the winter quarter. The Board of Selectmen will be asked to implement this approach in accordance with the timeline below, and for that reason advise against the implementation of second water meters. Included below are further details in regard to the Town's comprehensive water-sewer rate strategy that were also provided via arlingtonma.gov last spring.

Timeline of Recommendations

- **July 1, 2013:** Increase water and sewer rates 7.5%
- **January 1, 2014:** Implement new water and sewer rates, including the new block structure (shown below), revised service charges, and proposed private fire service charges.
- **July 1, 2014:** Convert to quarterly billing for water and sewer bills. The rate blocks or steps shown are for semi-annual billing and would need to be adjusted for quarterly billing. Rate increases for this period will be brought before Board in spring of 2014.
- **July 1, 2015:** Adopt new sewer rates to address irrigation use (as described above). Rate increases for this period will be brought before Board in spring of 2015.

Summary of Rate Adjustments

<u>Water</u>	<u>Current Structure</u>	<u>7.5% Increase 7/1/2013 - 12/31/2013</u>	<u>Proposed Blocks for 1/1/2014 - 6/30/2014</u>
0-200 ccf/yr	\$4.61	\$4.96	
over 200 ccf/yr	\$6.79	\$7.30	
0-30 ccf/6 months			\$4.75
30-60 ccf/6 months			\$5.08
over 60 ccf/6 months			\$6.16
<u>Sewer</u>			
0-1000 ccf/6 months	\$4.86	\$5.22	
over 1000 ccf/6 months	\$9.70	\$10.43	
0-30 ccf/6 months			\$5.71
30-60 ccf/6 months			\$6.10
over 60 ccf/6 months			\$7.40

- Under the current structure, only 2% of water users go over the 200 ccf/year threshold and only .2% of sewer users go over the 1000 ccf/bill threshold.
- Under the proposed block structure:
 - 50% of ratepayers would fall into the 0-30 ccf/6 months block
 - 40% of ratepayers would fall into the 30-60 ccf/6 months block
 - 10% of ratepayers would go over 60 ccf/6 months

*ccf=one hundred cubic feet or 748 gallons



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

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To: Members of the Board of Selectmen

From: Adam Chapdelaine, Town Manager

RE: Warrant Article 22 – Community Preservation Act

Date: March 7, 2014

I am writing to provide the Board with information in regard to ways in which Community Preservation Funds (CPF's) could be used for projects currently in the capital budget as well as for a potential renovation/rebuild of Arlington High School. I am providing this information so that the Board can consider Warrant Article 22 with as much information before them as possible.

On the attached spreadsheet, you will see that the current five year capital plan includes approximately \$3.5M in projects that may be eligible for CPF's. You will also see a figure related to a potential Arlington High School project. To reach this figure, I took the amount projected in the recently performed Onsite Insight report attributable to structural and exterior work. I then reduced that figure by 50% in order to account for the assumption that not all of the work would be eligible for CPF's. This resulted in a total of approximately \$7.5M. Combined, the projects currently in the capital plan and the Arlington High projections add up to

APPENDIX – ARTICLE 22:

\$11,172,422. These are only very rough approximations that are being offered to provide a frame of reference.

Also on the attached spreadsheet, I have included a projection of the CPF's that could be available over the next five years per the proponent's proposal. To make this projection, I used the projected collections based on 1.5% property tax surcharge and the average state match percentage from the past five years. You will see that this formula projects a total \$8,124,301 being available through the Community Preservation Act (CPA).

I also want to alert the Board to the fact that should the CPA be adopted in Arlington, there would be much work to do in order to develop a process by which the Community Preservation Committee would work with the Capital Planning Committee. Said another way, there would be no guarantee that CPF's would be available for the projects included in the attached document since they would be controlled by the Community Preservation Committee.

I hope this information is helpful to you as you consider Warrant Article 22. As always, I am happy to answer any questions you may have in regard to these materials.

APPENDIX – ARTICLE 22:

Projects Included in Current Capital Plan that may be Eligible for CPA Funding*

Project	2015	2016	2017	2018	2019	Grand Total
Whittemore Robbins - Basement Waterproofing			\$60,000			\$60,000
Whittemore Robbins Carriage House & Garage	\$25,000	\$50,000	\$25,000			\$100,000
Whittemore Robbins House - Exterior & Interior	\$10,000	\$10,000	\$10,000	\$10,000		\$40,000
Whittemore Robbins House Window Replacement	\$15,000					\$15,000
Whittemore, Carriage & Cottage repoint foundations	\$3,500					\$3,500
Whittemore Robbins House - Kitchen		\$150,000				\$150,000
Parmenter - Roof Replacement & Gutter Repairs			\$20,000			\$20,000
ADA Study Implementation Program	\$50,000					\$50,000
Bishop Playground					\$236,500	\$236,500
Magnolia Field Basketball Court Renovation	\$75,000					\$75,000
Reservoir Beach			\$65,000	\$650,000		\$715,000
Robbins Farm		\$506,000				\$506,000
Spy Pond Tennis Courts	\$467,500					\$467,500
Wellington Playground			\$429,000			\$429,000
Poets Corner					\$574,200	\$574,200
ARB - Jefferson Cutter House - Hearth Supports	\$20,000					\$20,000

APPENDIX – ARTICLE 22:

ARB - 23 Maple Roof/Gutter Downspout/chimney	\$40,000					\$40,000
ARB - Jefferson Cutter Exterior Chimney/Trim/Walls/Windows	\$10,000					\$10,000
ARB - Jefferson Cutter House - Roof Replacement & Gutters		\$60,000				\$60,000
ARB - Jefferson Cutter/Gutter Downspout/chimney		\$15,000				\$15,000
TOTALS	\$716,000	\$791,000	\$609,000	\$660,000	\$810,700	\$3,586,700

Potential AHS Renovation Costs Eligible for CPA

AHS Renovation Costs - Structural & Exterior Repairs	\$15,171,443
Percentage Historical/CPA Eligible	50%
Potential Amount Eligible for CPA Funds	\$7,585,722

Total Potential Amount Eligible for CPA - Five Year Capital Plan/AHS Renovation	\$11,172,422
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	Annual Revenue	5 Year Match Avg.	Potential Match	Annual Total	5 Year Potential Total
Financial Impacts of Proponents Proposal	\$1,206,657	34.66%	\$418,203	\$1,624,860	\$8,124,301

*There may be projects currently in the Capital Plan that are CPA eligible, but not included on this list. An exhaustive analysis of CPA eligibility has not been performed by the Town Manager's Office.

APPENDIX – ARTICLE 25:

REVOLVING FUND	AMOUNT
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PRIVATE WAY REPAIR

NO EXPENDITURES IN FY2013

PUBLIC WAY REPAIR

NO EXPENDITURES IN FY2013

FOX LIBRARY

<i>SUPPLIES</i>	4,825.17
<i>MAINTENANCE</i>	2,630.00
<i>PERSONNEL</i>	530.32
<i>TOTAL EXPENDITURES</i>	7,985.49

ROBBINS HOUSE

<i>SUPPLIES</i>	779.42
<i>MAINTENANCE</i>	17,436.28
<i>PERSONNEL</i>	7,291.25
<i>UTILITIES</i>	24,581.36
<i>CONTRACTED SERVICES</i>	786.00
<i>TOTAL EXPENDITURES</i>	50,874.31

CONSERVATION COMMISSION

NO EXPENDITURES IN FY2013

UNCLE SAM

<i>SUPPLIES</i>	1,057.37
<i>OTHER EXPENSES</i>	350.00
<i>TOTAL EXPENDITURES</i>	1,407.37

AMBULANCE/LIFE SUPPORT SERVICES

<i>CONTRACTED SERVICES</i>	408,493.37
<i>GENERAL FUND OFFSET (PERSONNEL)</i>	131,415.00
<i>CAPITAL OFFSET</i>	49,300.00
<i>PATIENT REIMBURSEMENTS</i>	2,429.62
<i>DUES /SUBSCRIPTIONS/TRAINING</i>	300.00
<i>TOTAL EXPENDITURES</i>	591,937.99

BOARD OF HEALTH

<i>SUPPLIES</i>	13,789.14
<i>PERSONNEL</i>	56,569.32
<i>CONTRACTED SERVICES</i>	16,407.76
<i>DUES/SUBSCRIPTIONS/TRAINING</i>	922.49
<i>OTHER EXPENSES</i>	691.40
<i>TOTAL EXPENDITURES</i>	88,380.11

REVOLVING FUND	AMOUNT
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FIELD USER FEES

<i>SUPPLIES</i>	199.31
<i>MAINTENANCE</i>	36,810.00
<i>EQUIPMENT & MATERIALS</i>	9,740.06
<i>CONTRACTED SERVICES</i>	1,000.00
<i>TOTAL EXPENDITURES</i>	47,749.37

ROBBINS LIBRARY RENTAL

<i>MAINTENANCE</i>	3,982.50
<i>TOTAL EXPENDITURES</i>	3,982.50

TOWN HALL RENTAL

<i>SUPPLIES</i>	5,905.64
<i>PERSONNEL</i>	43,572.26
<i>MAINTENANCE</i>	10,700.00
<i>CONTRACTED SERVICES</i>	34,514.93
<i>TOTAL EXPENDITURES</i>	94,692.83

WHITE GOODS RECYCLING

<i>GENERAL FUND OFFSET (PERSONNEL)</i>	25,410.00
<i>SUPPLIES</i>	8,702.18
<i>EQUIPMENT & MATERIALS</i>	1,264.65
<i>CONTRACTED SERVICES</i>	11,418.01
<i>TOTAL EXPENDITURES</i>	46,794.84

LIBRARY PC VEND

<i>SUPPLIES</i>	2,066.21
<i>CONTRACTED SERVICES</i>	6,194.00
<i>TOTAL EXPENDITURES</i>	8,260.21

GIBBS SCHOOL ENERGY

<i>UTILITIES</i>	111,619.20
<i>TOTAL EXPENDITURES</i>	111,619.20

CEMETERY CHAPEL RENTAL

NO EXPENDITURES IN FY2013

COUNCIL ON AGING PROGRAM

NO EXPENDITURES IN FY2013

**REPORT OF THE
BOARD OF SELECTMEN
SPECIAL TOWN MEETING**

WEDNESDAY, APRIL 30, 2014

8:00 P.M.

SPECIAL TOWN MEETING

STM ARTICLE 2

**HOME RULE LEGISLATION/REQUEST FOR
LEGISLATION/ALL ALCOHOL LICENSES**

VOTED: That the Board of Selectmen be and hereby is requested and authorized to file for Home rule legislation that will provide substantially as follows.

**“AN ACT TO INCREASE THE NUMBER OF ALL-ALCOHOL LICENSES FOR
RESTAURANTS IN THE TOWN OF ARLINGTON.**

Section 1. Notwithstanding any general or special law to the contrary including without limitation Sections 11A and 17 of Chapter 138 of the General Laws and Chapter 340 of the Acts and Resolves of 2008, the Board of Selectmen in the Town of Arlington shall cause to be placed upon the official ballot used in the Town of Arlington at its annual Town Meeting to be held in the year 2015 the following question:

‘Shall the Board of Selectmen be authorized to grant an additional five licenses for a total of twenty for the sale therein of all-alcoholic beverages by restaurants and function rooms having a seating capacity of not less than 50 persons?’

Yes ☐ No ☐

Section 2. If a majority of the votes cast in said Town in answer to said question is in the affirmative, said Town shall be taken to have increased from fifteen to twenty the number of licenses in the Town of all-alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than 50 persons. Said fifteen licenses shall be subject however, to all the other provisions of said Chapter 138, except those that provide for a limitation as to the number of licenses permitted or the wording of the question posed to the voters.

Section 3. The Board of Selectmen of the Town of Arlington is hereby authorized to and shall include a summary of the aforesaid question to be printed on the ballot along with the question as stated in Section 1.

Section 4. This Act shall take effect upon its passage.”

(5-0)

COMMENT: To date, the Board has issued all 15 of the presently available all-alcohol restaurant licenses in the Town. Voters in the Town have consistently approved modest increases in the number of licenses available, and the positive economic impacts of such licenses are well known to the Board. The Board believes that the availability of all-alcohol licenses continues to help Arlington restaurants be competitive, which in turn has benefit for other merchants in the Town’s commercial areas. Accordingly, the Board of Selectmen strongly urges Town Meeting to approve this article, allow for Home Rule legislation to be filed, and ultimately to place this question before Town residents.



STEVEN M. BYRNE, CHAIR
JOSEPH A. CURRO JR, VICE CHAIR
KEVIN F. GREELEY
DIANE M. MAHON
DANIEL J. DUNN